

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/21/2023

LINGLEY, ET. AL.

Plaintiff,

- against -

SEEKING ALPHA, INC.,

Defendant.

23 Civ. 5849 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

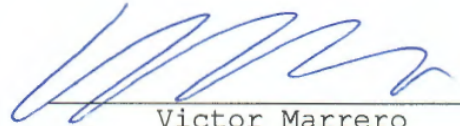
On September 11, 2023, and consistent with the Court's Individual Practices, counsel for defendant Seeking Alpha, Inc. ("Defendant") sent counsel for plaintiffs Matthew Lingley and Sandy Papadopoulos ("Plaintiff") a pre-motion letter identifying alleged deficiencies in the Complaint that Plaintiff filed in this action, and that allegedly would provide a basis for a motion to dismiss. (See Dkt. No. 22-1.) On September 18, 2023, also consistent with the Court's Individual Practices, counsel for Plaintiff filed a letter in response, opposing the grounds that the Defendant stated in favor of the proposed motion. (See Dkt. No. 23-1.) On September 20, 2023, the Court received a letter from counsel for Defendant asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 24.)

Upon review of all pre-motion letters, the Court finds that a pre-motion conference is not warranted and hereby directs the parties to notify the Court, within seven (7) days of the date of this Order, of whether the parties request supplemental or full briefing on Defendant's proposed motion to dismiss or wish to consent to the Court deeming the pre-motion letters as a fully briefed motion and ruling on the basis of the letters.

If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within seven (7) days of the date of this Order.

**SO ORDERED.**

Dated: 21 September 2023  
New York, New York

  
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Victor Marrero  
U.S.D.J.